

**Town of North Yarmouth**  
**Boards, Commissions and Committees Standard of Conduct Policy**

**I. PURPOSE**

The Town encourages that all Board, Commission and Committee members maintain respectful discourse with their fellow elected and/or appointed members, with those who work for the Town, those who volunteer their time and services on behalf of the Town, and members of the public by striving at every meeting, forum or other official interaction to treat every person fairly and with respect regardless of any differences of opinion.

This policy provides a centralized standard of conduct for all Board, Commission and Committee members in the Town.

**II. APPLICABILITY**

This policy shall apply to all elected and appointed members of Boards, Commissions and Committees serving the Town, and covers all their actions related to official Town business.

**III. CODE OF CONDUCT**

All members of Boards, Commissions and Committees of the Town are expected to act honestly, conscientiously, reasonably and in good faith, always having regard to their responsibilities, the interests of the Town and the welfare of its residents.

**A. Conduct Generally and in Relation to the Community**

The following guidelines are to be followed in relation to a member's conduct generally and in relation to the community:

- Remember that you are seen as a representative of the Town of North Yarmouth and you should conduct yourself accordingly in the community.
- Recognize that the chief function of local government always is to serve the best interests of all residents of the community.
- Demonstrate respect for the public that you serve.

- Conduct yourself in a manner that imparts public confidence in our local government and your position in it.
- Be well-informed concerning the local and state duties of a board/commission/committee member.
- Accept your position as a means of unselfish public service, not to benefit personally, professionally, or financially from your board/commission/committee position.
- Unless specifically exempted, conduct the business of the public in a manner that promotes open and transparent government.
- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/commission/committee outside of such meetings.
- Refrain from making statements or promises as to how you will vote on matters that will come before the board/commission/committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting.

The following actions may be cause for accountability review by the Select Board under Section IV of this policy:

- Purporting to represent the opinion of your board/commission/committee when not specifically authorized by a recorded vote to do so.
- Failing to safeguard, or publicly sharing, confidential information.
- Failing to comply with all applicable Town policies, including, without limitation, the following:
  - Prohibition on Harassment and Discrimination: Harassment and discrimination are prohibited; this includes harassment or discrimination on the basis of race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, age, ancestry, national origin, or familial status, and any other status protected by federal and state law.
  - Fraud Policy
- Failing to comply with all applicable laws, including, without limitation, the following:
  - The Freedom of Access Act (1 M.R.S. §§ 401 et seq.)
  - The Conflicts of Interest Statute (30-A M.R.S. § 2605)

## **B. Conduct in Relation to Other Members of Boards and Committees**

The following guidelines are to be followed in relation to a board/commission/committee member's conduct in relation to other elected and appointed officials:

- Treat all members of the board/commission/committee to which you belong with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion but requires respect within those differences.
- Participate and interact in official meetings with dignity and decorum fitting those who hold a position of public trust.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chairperson should you for any reason be unable or unwilling to continue to serve.
- Make decisions only after all facts on a question have been presented and discussed.

The following actions may be cause for accountability review by the Select Board under Section IV of this policy:

- Making false, slanderous or libelous statements about another elected or appointed official.
- Failing to uphold the confidentiality of an executive session by publicly sharing the privileged communications occurring within that executive session.
- Attempting outside of public meetings to bind your board/commission/committee to actions without express authority to do so.

## **C. Conduct in Relation to the Town Manager**

The following guidelines are to be followed in relation to a board/commission/committee member's conduct in relation to the Town Manager:

- Refrain from giving orders or directions to the Town Manager for action as an individual board/commission/committee member.
- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Give the Town Manager full responsibility for discharging his or her disposition and/or solutions.
- Refrain from providing information to the Town Manager that you would not be willing to share with other board/commission/committee members.

The following actions may be cause for accountability review by the Select Board under Section IV of this policy:

- Giving orders or directions to the Town Manager for action as an individual board/commission/committee member.

#### **D. Conduct in Relation to Town Staff**

The following guidelines are to be followed in relation to a board/commission/committee member's relation to Town Staff:

- Treat all Town staff as a vital asset of your local government and the work of your board/commission/committee. Recognize them as professionals and respect the abilities, experience, and dignity of everyone.
- As part of your board/commission/committee work, channel all instructions to, or requests for assistance from, Town staff through the Town Manager.
- Concerns about staff performance should only be made to the Town Manager through private communication.
- Board/commission/committee members who interact with Town staff must do so in a respectful manner and understand employees have been instructed not to take direction from any individual member on any matter.

The following actions would be cause for accountability review by the Select Board under Section IV:

- Disrespecting, or trying to obstruct, a Town employee in the course of their official Town duties.
- Subverting the administrative chain of command to give orders or direction to employees under the purview of the Town Manager.

#### **IV. ACCOUNTABILITY MEASURES AND REVIEW**

A. All board/commission/committee members must sign a statement affirming that they will observe and uphold the standards of this policy upon taking office or accepting appointment.

B. If a board/commission/committee member believes that another member has violated this policy, they should first attempt to informally address and resolve the matter with the other member, if appropriate.

C. Selectpersons as well as Chairs of Boards, Commissions, and Committees have the responsibility to intervene when actions of members appear to violate this policy.

D. Complaints from any member of a Board, Commission or Committee shall go directly to the Select Board. Complaints from the public may be directed to the Select Board or the

Town Manager, who may consult with one another and/or the Town Attorney. Only the Select Board Chair or Town Manager may consult the Town Attorney.

1. If the issue is not resolved, the complaining member may request an executive session with the Select Board to discuss their complaint, in accordance with 1 M.R.S. § 405(6)(A).
2. The Board, Commission or Committee member against whom the complaint is made shall be given reasonable advance notice of the meeting at which the matter will be discussed, shall have the right to be heard, and shall have the right to request that the hearing be conducted in open session.

E. For Select Board related concerns, the following actions should take place:

1. If a Selectperson believes another Selectperson has violated this policy, they should first attempt to informally address and resolve the matter with the other member, if appropriate.
2. If the issue is not resolved, the complaining Selectperson may ask for an executive session to discuss their complaint, in accordance with 1 M.R.S. § 405(6)(A).
3. The Selectperson against whom the complaint is made shall be given reasonable advance notice of the meeting at which the matter will be discussed, shall have the right to be heard, and shall have the right to request that the hearing be conducted in open session. -

#### **F. Accountability Actions**

Once a complaint against a Board, Commission or Committee member has been heard by the Select Board, and the member who is the subject of the complaint has been given notice and an opportunity to be heard, the Select Board may move and vote by majority to take one the following actions:

- Reprimand of appointed members, with recommendations for actions in the event of future violations;
- Formal censure of elected members; or
- Removal of appointed members for cause, in accordance with 30-A M.R.S. § 2601.

#### **V. SEVERABILITY**

If any provision of this policy is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining provisions of this policy.